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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,174	01/30/2004	Koji Ogura	04329.3224	4740

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EXAMINER

NGUYEN, THUAN T

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,174

Applicant(s)

OGURA, KOJI

Examiner

THUAN T. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 5-13 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 2, 5-8 and 9-13 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The prior arts of record fails to teach or suggest a mobile communication terminal with a third detection means together with two other detection means as cited for detecting a difference between a reception quality detected by the first detection means and the second detecting means, wherein the first detecting means for detecting a reception quality of the radio signal from an active base station in the wakeup period and the second detecting means for detecting a reception quality of the radio signal from the neighboring base station in the wakeup period as called in claim 2, and similarly with further features of third and fourth setting means as cited in claim 9.

Claim Rejections - 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kiyomoto et al. (U.S. Patent No. 7,003,315 B2).

Regarding claim 1, Kiyomoto discloses a mobile communication terminal apparatus which alternately sets a wakeup period and a sleep period in a standby state and receives a radio signal transmitted from an active base station during synchronization establishment in a wakeup period comprising detection means for detecting a reception quality of the radio signal in the wake up period; and setting means for setting a duration of a wakeup period as a next reception target in accordance with the detected reception quality (Figs. 1 & 3, and col. 5/line 37-57 for reception quality monitoring and detecting after a first standby state and before a second standby state, which indicates during a wakeup period; and the reception quality of the radio signal is from an active base station as shown in Fig. 1 and col. 3/lines 5-27).

As for claim 3, in view of claim 1 above, Kiyomoto discloses the comparison process and the setting means for setting a duration of a wakeup period as a next reception target for some predetermined times based on a threshold (refer to col. 6/line 31 to col. 7/line 6 & col. 7/lines 24-44).

As for claim 4, in view of claim 3 above, Kiyomoto teaches to comprise a plurality of symbols of the radio signal and target symbol count based on the threshold (col. 7/lines 45-55 for the controller has a counter for counting up a value if a detected reception quality is found).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Palermo et al, Gilhousen and Ohashi et al. (in PTO 892 attached) disclose systems related to have detection means for reception signal quality in the wakeup period.

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6. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
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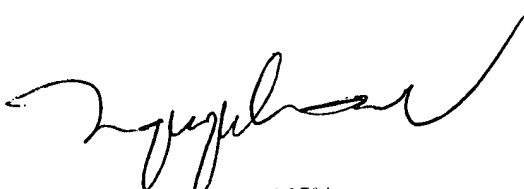
or faxed to the New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TONY T. NGUYEN
PATENT EXAMINER

Tony T. Nguyen
Art Unit 2618
March 31, 2006